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7 NANCY MAHAN,
8 Plaintiff,

9 v.
10 UNUM LIFE INSURANCE COMPANY OF
11 AMERICA,
12 Defendant.

13 Case No. 13-cv-04803-VC

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**ORDER DENYING CROSS-MOTIONS
FOR SUMMARY JUDGMENT;
DENYING MOTION TO STRIKE;
DENYING MOTION FOR JUDICIAL
NOTICE**

20 Re: Docket Nos. 64, 66, 73, 81

21 Because the record reveals a risk that UNUM's conflict of interest adversely affected its
22 treatment of Mahan's claim, which would impact the degree of scrutiny applied and could
23 potentially affect the outcome, Mahan is permitted to conduct limited discovery on that issue.
24 This discovery cutoff is December 18, 2014. The cross-motions for summary judgment are denied
25 without prejudice to refiling after conflict discovery has concluded. The motion to strike and the
26 motion for judicial notice are denied as moot.

27 By September 25, 2014, the parties shall file a stipulation that: (i) either requests
28 assignment to a specific magistrate judge for a settlement conference or requests that the case be
assigned randomly to a magistrate for that purpose; and (ii) sets forth a briefing schedule for cross-
motions for summary judgment following the completion of conflict discovery. In their summary
judgment papers, the parties should discuss the propriety of UNUM's suggestion, made at the
hearing, that the question whether Mahan's claim for "buy up" coverage based on the ankle injury
should be remanded to UNUM, and if so, whether this Court should retain jurisdiction over the
case while it is on remand. If the parties determine that the conflict discovery cutoff should be
extended in light of the date on which their settlement conference with a magistrate judge is

1 scheduled, they may submit to this Court a stipulated request for an extension.

2 **IT IS SO ORDERED.**

3 Dated: September 19, 2014

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VINCE CHHABRIA
United States District Judge